

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|---------------------------|---|----------------------|
| ROBERT P. GOODRICH, |) | |
| Petitioner, |) | |
| v. |) | C.A. No. 03-12541-NG |
| |) | |
| TIM HALL, SUPERINTENDENT, |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

On December 17, 2003, petitioner Robert P. Goodrich, now incarcerated at Old Colony Correctional Center, filed his self-prepared petition under 28 U.S.C. § 2254 for writ of habeas corpus. For the reasons stated below, the Court directs the clerk to amend the case caption and serve the petition.

DISCUSSION

Now before the Court is petitioner's petition under 28 U.S.C. § 2254 for writ of habeas corpus. The petition names as respondent Michael T. Maloney. The proper respondent to a Section 2254 petition is the petitioner's custodian, which in this case is Tim Hall, the Superintendent of Old Colony Correctional Center. See Rule 2(a) of Rules Governing Section 2254 Cases; 28 U.S.C. § 2243. The Clerk shall amend the case caption to reflect that Superintendent Hall is the sole respondent in this action.

The Court will direct the Clerk to serve the petition on

Superintendent Hall and the Attorney General for the Commonwealth of Massachusetts. See Rules Governing Section 2254 Cases in the United States District Courts, Rule 4 (service).

ORDER

ACCORDINGLY, for the reasons stated above, it is hereby ORDERED

- (1) the Clerk shall correct the case caption to list Tim Hall, Superintendent as the sole respondent;
- (2) the Clerk shall serve a copy of this Memorandum and Order and the petition by mailing copies, certified mail, to Superintendent Tim Hall, Old Colony Correctional Center, 1 Administration Road, Bridgewater, MA 02324; AND the Attorney General for the Commonwealth of Massachusetts, Attention: William J. Meade, Chief, Appellate Division, One Ashburton Place, 18th Fl., Boston, MA 02108-1598.
- (3) the Respondent shall, within 20 days of receipt of this Memorandum and Order, file an answer (or other proper responsive pleading) to the habeas petitions. This Court further requests the Respondent, as part of the return, to file such documents which reflect on the issue as to whether Petitioner exhausted available state remedies with respect to the matters raised by the Petitions.

SO ORDERED.

Dated at Boston, Massachusetts, this 12th day of January 2004.

/s Nancy Gertner

NANCY GERTNER
UNITED STATES DISTRICT JUDGE